

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC., CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**PRETRIAL ORDER NO. 12:
PRIORITIZATION OF CLAIMS**

Re: Dkt. No. 156

1. The proposal to recognize the Consolidated Complaint as the superseding complaint in this case is granted. In addition, the Court will stay the non-prioritized claims – all those brought by plaintiffs in the MDL that are not included in the twelve prioritized claims in the Consolidated Complaint – pending resolution of the motion to dismiss. (*See* Dkt. No. 152-2, at 169-200, ¶¶ 449-618).

2. As to the non-prioritized defendants who have been served and made an appearance in the case – Mercer, Sandberg, and Zuckerberg – the plaintiffs must either dismiss any claims against them without prejudice (presumably with an agreement to toll applicable statute of limitations) or proceed with litigating their motions to dismiss. (Sandberg and Zuckerberg joined Facebook’s motion to dismiss, (Dkt. No. 188), and Mercer filed a separate motion, (Dkt. No. 183).)

3. The hearing scheduled for Thursday, November 15 will be converted to a telephonic case management conference to discuss how to proceed with the remaining non-prioritized defendants – Bannon and Kogan – who have apparently not yet been served. The parties must

arrange to participate in the telephonic case management conference with Court Call by no later than 1:00 p.m. on Tuesday, November 13. Any members of the press or interested parties must do the same. (See <https://cand.uscourts.gov/vc/fbmdl> for more information). The telephonic hearing will be open to the public in courtroom 4 on the 17th floor on November 15, 2018 at 10:00 a.m.

IT IS SO ORDERED.

Dated: November 9, 2018



VINCE CHHABRIA
United States District Judge